



DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES

Policy No.: DOC 3.1.20	Subject: STANDARDIZED OFFENDER DRUG SCREENING	
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 7	
Section 1: Security and Control	Revision Date: Sept. 15, 2002; Feb. 3, 2000: Aug. 28, 1998	
Signature: /s/ Bill Slaughter	Effective Date: March 1, 1997	

I. POLICY:

The Department of Corrections has a zero tolerance policy regarding the unauthorized use and abuse of controlled or prohibited substances by offenders within its correctional facilities/programs.

II. IMPLEMENTATION:

This policy was last revised with significant changes in content on September 15, 2002.

III. AUTHORITY:

2-15-112, MCA. Duties and Powers of Department Heads
53-1-203, MCA. Powers and Duties of Department of Corrections
DOC 1.3.35, Blood Borne Pathogens Exposure Control Plan

IV. DEFINITIONS:

Cause means any indication that an offender may be using an unauthorized substance or any substance in an unauthorized manner. Such indication may be direct (observed by a staff person), hearsay (relayed through other individuals), circumstantial (perceived via reasonable inference), or self-admission.

Drug means any substance described in 50-32-101, MCA, et.seq., or any substance, taken through any means of administration, which alters the mood, the level of perception, or brain functioning. Such substances may range from prescription medications to illegal substances, as well as alcohol and solvents.

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Facility/Program includes Montana State Prison, Montana Women's Prison, Treasure State Correctional Training Center, Correctional Facilities and Programs under contract with the Department, offenders on Probation and Parole status, and Intensive Supervision Programs.

Positive Sample means that an initial screen and/or a confirmatory screen show the presence of a controlled or prohibited substance meeting or exceeding the cut-off level as defined in this policy.

Random Sampling means the urinalysis screening, without cause, of a selected group of offenders for substance abuse.

Zero Tolerance means the department will vigorously pursue and enforce disciplinary measures for illegal drug use in its secure facilities/programs through urinalysis, observation, searches, investigation, treatment and other means of intervention.

V. **PROCEDURES:**

Pursuant to a zero tolerance policy, the Department has a standardized drug screening and intervention program:

- To ensure a safe and therapeutic environment for offenders committed to the Department
- To identify offenders who are using illegal substances
- To identify offender treatment needs and provide treatment strategies designed to meet those identified needs
- To provide appropriate interventions and/or graduated sanctions for every offender who tests positive for drugs or alcohol
- To properly classify offenders who pose a risk to public safety due to their substance abuse
- To reduce drug use among offenders, which is intended to reduce disciplinary actions among offenders and reduce returns to secure facilities

The Department will implement this policy without discrimination on the basis of race, religion, gender, national origin, creed, or political belief. This policy is intended to supplement and will not replace standard security methods by which unauthorized substances are detected and controlled.

A. Offenders may be required to provide a urine sample in the following circumstances:

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- As a condition of release to pre-release, parole or intensive supervision program (ISP)
- For cause
- Upon return to the correctional facility from the community
- After participating in any contact visitation
- In the event of a work related incident/accident

B. Other offenders who may be tested are:

- Those at high risk of drug abuse
- An identified group (such as a housing unit or work group) when drug use or trafficking in the area is suspected

C. Random urine samples will be collected from a minimum of 5 percent of the total correctional population, including each adult facility/program.

D. Facility/program policy will designate which personnel are authorized to request or collect urine samples and when they will be collected.

E. Facilities/programs will screen for the following substances at the cut-off levels indicated below:

<u>SUBSTANCE</u>	<u>CUT-OFF</u>
Cannabinoids	50 ng/ml (nanograms per milliliter)
Opiates	300 ng/ml
Ethanol (screening by breath analysis)	
Barbiturates	200 ng/ml
Amphetamines	300 ng/ml (monoclonal)
Methamphetamines	1000 ng/ml (monoclonal)
Cocaine (Metabolite)	300 ng/ml
Phencyclidine (PCP)	25 ng/ml
Benzodiazepines	200 ng/ml
Methadone	300 ng/ml

Screening at any other level requires the approval of the Department Director.

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F. All staff involved in urinalysis screening and testing must receive proper training.

G. Alcohol Testing:

1. A Portable Breath Test or breath analyzer test may be maintained in a secure location. These tests will be used to test offenders suspected of alcohol use.
2. Tests will be conducted in accordance with the instructions of the test kit manufacturer.
3. Each test will be recorded in a log maintained for that purpose. The log must include the date and time of test, referring staff member, a brief statement describing the reason for the test, and the test results.
4. If an offender refuses to provide a sample, that fact will be noted in the log, an incident report will be completed and disciplinary measures may be enforced.

H. Offender Compliance to Urine Specimen Requests:

1. Once an offender has been notified to provide a urine specimen, the person has one (1) hour to comply with the request. The offender will remain under staff supervision until the specimen is provided.
2. Offenders are required to provide one-half of a specimen container to comply with the specimen request. Failure to comply may result in disciplinary action.
3. Offenders refusing to provide a specimen demonstrate an admission of guilt that will warrant disciplinary action.
4. Shy bladder is a recognized medical diagnosis. An offender may have a physical or psychological condition rendering him/her unable to provide a urine specimen. In the event that an offender in a secure adult facility indicates that he/she cannot comply with a UA request due to this condition, the following procedures will be implemented. The offender does not have to be medically diagnosed with shy bladder syndrome to be given this allowance:

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- a. The offender will be given an opportunity to produce a UA sample.
 - b. The offender will be given access to water; a minimum of 8 ounces, but not to exceed 24 ounces.
 - c. The offender may be given an hour to produce a sample.
 - d. If the offender has not produced a sample after this procedure, the offender must choose to accept the appropriate sanction for their level of supervision or request catheterization by medical staff in accordance with policy set forth by the respective program and/or facility.

- I. Sanctions which may be imposed for failure to comply with a request or found guilty of testing positive on a urine sample:
 1. Offenders in secure facilities are subject to progressive discipline pursuant to Department policy 3.4.1, Adult Institutional Discipline, as well as a requirement to participate in any programming, counseling or further testing deemed appropriate.

 2. Adult Offenders in pre-release, ISP, or any other community placement are subject to discipline pursuant to Probation and Parole procedure 160-1, as well as a requirement to participate in any programming, counseling or further testing deemed appropriate.

- J. Collecting and Securing Urine Specimens:
 1. Staff obtaining urine specimens are required to wear latex gloves. The use of other personal protective equipment is optional. From collection to secure storage, the specimen should remain under the observation of the staff person at all times.

 2. The U.A. container will be labeled before the offender is ordered to provide a specimen. The label will indicate the offender's DOC I.D. number, date and the staff person's initials. Urine is considered a biohazard substance and must be handled according to Department policy 1.3.35, Blood Borne Pathogens Exposure Control Plan.

 3. The offender is required to comply with the following procedures when providing a urine specimen:
 - a. Remove all excess clothing such as coats, sweaters, etc.
 - b. Wash hands with soap and water, and dry hands before giving the sample.

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- c. Before returning the container to the staff, place the cover on the urine specimen container, place security tape across the cover, and date and initial the tape.
4. Upon collecting the specimen, the container must be locked in a specified freezer or refrigerator. Preservation of evidence procedures must be followed, and a chain of evidence form accurately completed. The chain of evidence form should indicate medications being taken by the offender.

K. Laboratory Protocol for Urine Screening:

1. Staff who are screening specimens are required to wear latex gloves. Other personal protective equipment is optional.
2. Pre-screening and screening requirements shall be performed as described in the manufacturer's urinalysis machine manual.
3. Positive screening results will be re-screened using a clean urine specimen cartridge and a new urine sample from the same specimen container. The second screening may be performed by the same or another certified operator. The remainder of the sample shall be resealed with security tape by the tester, dated, initialed and returned to a specified freezer for final disposition.
4. All necessary pre-screening and screening forms shall be accurately completed and filed in a designated location.

L. Positive Sample Results:

1. A sample is positive when an initial screen and a confirmatory screen show a presence of a controlled or prohibited substance meeting or exceeding the cut-off level as defined in this policy. A positive sample is sufficient reason for disciplinary action.

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2. Offenders should be given an opportunity to admit substance use at the time they are requested to provide a urine specimen. When an offender admits to the use of illegal substances, a signed, written admission will be requested in the presence of witnesses, and subsequent disciplinary action will follow.
3. Offenders on probation or parole status may request, at their own expense, additional screening at the Montana State Crime Laboratory or other approved screening site.
4. Offenders in community programs who test positive, who have previously completed drug treatment, and who show a sincere desire to change their drug using behavior may be evaluated for assignment to a relapse program. Offender's privileges may be curtailed while in the program, and the offender may be expected to pay the cost of treatment.
5. The above actions do not preclude disciplinary action or, where applicable, return to a secure facility.

M. Administrative Review:

A facility/program Administrator or designee may forward a urine specimen to the Montana State Crime Lab for analysis. A positive screen reported by the Crime Lab will be used for disciplinary action.

VI. CLOSING:

Questions concerning this policy should be directed to your Warden, Superintendent, Program Administrator, Regional Administrator, or Community Corrections Facility Director.